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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL C. FLOWERS,

Defendant and Appellant.

B233720

(Los Angeles County
Super. Ct. No. TA 113897)

APPEAL from a judgment of the Superior Court of Los Angeles County,
Ricardo R. Campo, Judge. Affirmed.

Robert Bryzman, under appointment by the Court of Appeal, for Defendant
and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant
Attorney General, Lance E. Winters, Assistant Attorney General, Paul M.
Roadarmel, Jr., and Nima Razfar, Deputy Attorneys General, for Plaintiff and
Respondent.

* * * * *

A jury convicted Michael C. Flowers of one count of unlawful taking or driving of a vehicle in violation of Vehicle Code section 10851, subdivision (a). Pursuant to the three strikes law, the information alleged and appellant admitted a prior juvenile adjudication for robbery (Pen. Code, § 211). The court sentenced appellant to four years in state prison, consisting of the midterm of two years for the substantive offense plus another two years under the three strikes law for the prior strike.

Appellant's sole contention on appeal is that the use of a juvenile adjudication as a prior strike violated his rights to due process, notice, and a jury trial under the Fifth, Sixth, and Fourteenth amendments to the United States Constitution. We affirm.

DISCUSSION

Because this appeal does not raise any issue regarding the facts of the underlying offense, we omit the traditional statement of facts and proceed directly to a discussion of the legal issue. (*People v. White* (1997) 55 Cal.App.4th 914, 916, fn. 2.)

Apprendi v. New Jersey (2000) 530 U.S. 466, 490 held that “[o]ther than the fact of a prior conviction, any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt.” Appellant argues that a prior juvenile adjudication does not fall within *Apprendi*'s exception for “the fact of a prior conviction,” and that therefore his prior adjudication had to be submitted to a jury and proven beyond a reasonable doubt. He acknowledges, however, that the California Supreme Court rejected this contention in *People v. Nguyen* (2009) 46 Cal.4th 1007, 1010 (*Nguyen*). He explains that he nonetheless raises it to preserve the issue for federal review.

We are bound by our Supreme Court's decision in *Nguyen* and thus hold that the trial court did not err in relying on his juvenile adjudication as a prior

strike under the three strikes law. (*Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 455.)

DISPOSITION

The judgment is affirmed.

FLIER, J.

WE CONCUR:

BIGELOW, P. J.

GRIMES, J.